

## SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**Minutes- Board of Directors**

**April 19, 2002**

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, April 19, 2002 at the County Board of Supervisor Chambers, 701 Ocean Street, Santa Cruz, CA.

Chairperson Ainsworth called the meeting to order at 9:10 a.m.

### **SECTION 1: OPEN SESSION**

#### **1. ROLL CALL:**

##### **DIRECTORS PRESENT**

Sheryl Ainsworth  
Jeff Almquist  
Tim Fitzmaurice  
Michelle Hinkle  
Mike Keogh  
Dennis Norton  
Emily Reilly  
Pat Spence

##### **DIRECTORS ABSENT**

Jan Beautz (arrived after roll call)  
Christopher Krohn (arrived after roll call)  
Ana Ventura Phares (arrived after roll call)  
Ex-Officio Mike Rotkin

##### **STAFF PRESENT**

Bryant Baehr, Operations Manager  
Marilyn Fenn, Asst. Finance Manager  
Linda Fry, Service Planning Supervisor  
Terry Gale, IT Manager  
Margaret Gallagher, District Counsel  
Tom Hiltner, Grants/Legis. Analyst  
David Konno, Fac. Maint. Manager

Ian McFadden, Transit Planner  
Kathy O'Mara, Schedule Analyst  
Elisabeth Ross, Finance Manager  
Robyn Slater, Interim H.R. Manager  
Judy Souza, Base Superintendent  
Tom Stickel, Fleet Maint. Manager  
Leslie White, General Manager

##### **EMPLOYEES AND MEMBERS OF THE PUBLIC WHO INDICATED THEY WERE PRESENT**

April Axton, Lift Line  
Linda Clayton, SEA  
Shelton Crutch, Transit Supervisor  
Mary Ferrick, PSA  
Kasandra Fox, MASTF  
Leann Humble, Denise Duffy & Asso.  
Deborah Lane, MASTF  
Manny Martinez, Transit Supervisor

Bonnie Morr, UTU  
Jeff North, UTU  
Carolyn O'Donnell, TMA  
Michael Paul, Goodwill Industries  
Steve Paulsen, UTU  
Celia Scott, Environmental Consultant  
Will Regan, VMU  
Linda Wilshusen, SCCRTC

Chairperson Ainsworth stated that Item 7-16 on the Consent Agenda would be deferred to the May Board Meeting.

She further mentioned that a litigation issue came up after the agenda was distributed. The item of Lane/Moyer vs. SCMTD will be an additional item on the Closed Session agenda.

**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR REILLY**

**Move amended agenda and add an item to the Closed Session on the basis of inadequate notice of the action within the time required by the Brown Act and the need to take action.**

**Motion passed unanimously.**

**2. ORAL AND WRITTEN COMMUNICATION**

- |    |  |                             |
|----|--|-----------------------------|
| a. | Deborah Lane, MASTF                                    | RE: Board Agendas           |
| b. | Terrence Lee Hancock<br>Senior Citizens Legal Services | RE: Community Bridges       |
| c. | Alan Goes, Bus Operator                                | RE: Call Stop Announcements |
| d. | Norman Schwartz, Bolton Hill Co.                       | RE: Request for Service     |
| e. | Committee of Adjustment, UTU                           | RE: Retirement Formula      |
| f. | SEIU Local 415   | RE: Retirement Formula      |
| g. | David Dunlap, UTU                                      | RE: Retirement Formula      |

**3. LABOR ORGANIZATION COMMUNICATIONS**

Bonnie Morr thanked the Board for the shuttle to the senior dinner. Between 250-300 seniors rode the bus to the dinner.

**4. METRO USERS GROUP (MUG) COMMUNICATIONS**

Director Hinkle, Chair for MUG, stated that one motion was made at the recent MUG meeting as follows:

MUG supports staff's recommended proposed service cuts plan and MUG wishes to acknowledge staff's effort and time involved in the development of the plan.

**5. METRO ACCESSIBLE SERVICES TRANSIT FORUM (MASTF) COMMUNICATIONS**

Deborah Lane reported that the following two motions were passed at the recent MASTF meeting:

1. MASTF recommends that METRO run the Homeless Shelter/Armory route from November through April. If METRO is unable to run the Homeless Shelter/Armory route from November through April, then MASTF recommends that METRO run this route during the winter (December through March) bid – the worst of the rainy season.

2. MASTF ratifies the proposed service reductions with the exception of the Homeless Shelter/Armory route.

6. **ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS**

**SECTION 1:**

**ADD TO ITEM #2** ORAL AND WRITTEN COMMUNICATIONS:

- e. Committee of Adjustment, UTU RE: Retirement Formula
  - f. SEIU Local 415 RE: Retirement Formula
  - g. David Dunlap, UTU RE: Retirement Formula
- (Insert written communication)**

**CONSENT AGENDA:**

**ADD TO ITEM #7-1** APPROVE REGULAR BOARD MEETING MINUTES OF 3/8/02 AND 3/15/02 AND SPECIAL BOARD MEETING MINUTES OF 3/26/02  
**(Replace revised pages)**

**ADD TO ITEM #7-4** CONSIDERATION OF TORT CLAIMS: Deny the claim of: Jonathon Stauduhar  
**(Insert Claim)**

**REGULAR AGENDA:**

**DELETE ITEM #8** CONSIDERATION OF CHANGE ORDER WITH NEW FLYER OF AMERICA TO PURCHASE REMOTE KEYPADS FOR FAREBOXES FOR EIGHT (8) COMPRESSED NATURAL GAS (CNG) LOW-FLOOR BUSES  
**(Action taken at April 12, 2002 Board Meeting)**

**DELETE ITEM #9** CONSIDERATION OF AWARD OF CONTRACT FOR FURNISHING TEN (10) DIESEL HIGH-FLOOR SUBURBAN BUSES THAT CAN BE CONVERTED TO COMPRESSED NATURAL GAS (CNG)  
**(Action taken at April 12, 2002 Board Meeting)**

**DELETE ITEM #10** CONSIDERATION OF AWARD OF CONTRACT FOR FURNISHING TWENTY-NINE (29) LOW-FLOOR BUSES THAT CAN BE CONVERTED TO COMPRESSED NATURAL GAS (CNG)  
**(Action taken at April 12, 2002 Board Meeting)**

- DELETE ITEM #11**            CONSIDERATION OF AUTHORIZATION TO OPERATE A SHUTTLE FOR THE UNITED TRANSPORTATION UNION (UTU) SENIOR DINNER  
**(Action taken at April 12, 2002 Board Meeting)**
- DELETE ITEM #12**            CONSIDERATION TO MODIFY THE EXISTING POSITION ENTITLED CLAIMS INVESTIGATOR TO CREATE A CLAIMS INVESTIGATOR I AND II CLASSIFICATION  
**(Action taken at April 12, 2002 Board Meeting)**
- ADD TO ITEM #14**            CONSIDERATION OF AMENDING THE PREFERRED ALTERNATIVE FOR THE METROBASE PROJECT FROM HARVEY WEST 1 TO HARVEY WEST CLUSTER NO. 1  
**(Add letter from Historical Resources Consultant per Board's request of 4/12/02)**  
**(Add letter from Geoff Eisenberg of Salz Leathers Inc.)**  
**\*Additional information regarding timelines for the project will be provided at the 4/19/02 Board Meeting.**
- ADD TO ITEM #16**            CONSIDERATION OF REVISING RETIREMENT FORMULA FOR DISTRICT EMPLOYEES ENROLLED IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)  
**(Add Supplemental Report)**
- ADD TO ITEM #17**            CONSIDERATION OF PROPOSED BALANCING ACTIONS FOR FY 02-03 BUDGET  
**(Replace Page 17-3)**  
**This replacement page was distributed to the Board at the 4/12/02 meeting.**
- DELETE ITEM #23**            CONSIDERATION OF AMENDING BYLAWS TO CHANGE THE NUMBER OF BOARD OF DIRECTORS MONTHLY MEETINGS FROM TWO TO ONE  
**(Deferred to May 17, 2002 Board Meeting)**
- ADD TO ITEM #27**            CONSIDERATION OF RATIFICATION OF LABOR AGREEMENT WITH UNITED TRANSPORTATION UNION (UTU), LOCAL 23  
**(Add Staff Report)**
- ADD TO ITEM #28**            CONSIDERATION OF RESOLUTIONS OF RECOGNITION TO SEVEN EMPLOYEES FOR ACTIONS TAKEN ABOVE AND BEYOND THE SCOPE OF THEIR DUTIES  
**(Add Resolutions)**

**CONSENT AGENDA**

- 7-1. APPROVE REGULAR BOARD MEETING MINUTES OF 3/8/02 and 3/15/02 and Special Board Meeting Minutes of 3/26/02
- 7-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS
- 7-3. ACCEPT AND FILE MARCH 2002 RIDERSHIP REPORT
- 7-4. CONSIDERATION OF TORT CLAIMS: Deny the claim of: Jonathon Stauduhar
- 7-5. ACCEPT AND FILE MINUTES OF MASTF COMMITTEE MEETING OF 3/14/02
- 7-6. ACCEPT AND FILE MINUTES OF MUG COMMITTEE MEETING OF 3/13/02
- 7-7. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR FEBRUARY 2002 AND APPROVAL OF BUDGET TRANSFERS
- 7-8. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE
- 7-9. ACCEPT AND FILE STATUS REPORT ON ADA PARATRANSIT PROGRAM FOR FEBRUARY 2002
- 7-10. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR FEBRUARY 2002
- 7-11. ACCEPT AND FILE STATUS REPORT ON CALL STOP ISSUE PROGRESS
- 7-12. CONSIDERATION OF AMENDING AMPAC BUILDING MAINTENANCE CONTRACT FOR SCOTTS VALLEY TRANSIT CENTER  
(Moved from Regular Agenda at 4/12/02 Board Meeting, Staff reports retained original numbering of #19)
- 7-13. CONSIDERATION OF AWARD OF CONTRACT FOR ADA ELIGIBILITY SCREENING SERVICES  
(Moved from Regular Agenda at 4/12/02 Board Meeting, Staff reports retained original numbering of #20)
- 7-14. CONSIDERATION OF AMENDING NATIONWIDE AUCTION SYSTEMS CONTRACT  
(Moved from Regular Agenda at 4/12/02 Board Meeting, Staff reports retained original numbering of #21)
- 7-15. CONSIDERATION OF AGREEMENT WITH THE SANTA CRUZ SEASIDE COMPANY FOR THE PROVISION OF LATE-NIGHT SERVICE  
(Moved from Regular Agenda at 4/12/02 Board Meeting, Staff reports retained original numbering of #22)
- 7-16. Deferred to May Board Meeting - CONSIDERATION OF MODIFYING THE DISTRICT'S BUS STOP SHELTER SPECIFICATIONS AND APPROVE THE BUS STOP ADVISORY COMMITTEE'S (BSAC) RECOMMENDATIONS  
(Moved from Regular Agenda at 4/12/02 Board Meeting, Staff reports retained original numbering of #24)
- 7-17. CONSIDERATION OF LEASE OF WATSONVILLE TRANSIT CENTER KIOSK #5 TO JESUS MARQUEZ FOR A PARTY SUPPLY STORE  
(Moved from Regular Agenda at 4/12/02 Board Meeting, Staff reports retained original numbering of #25)
- 7-18. CONSIDERATION OF INDEMNIFICATION AGREEMENT WITH NEW FLYER REGARDING WHEELCHAIR RESTRAINT ARM ASSEMBLY  
(Moved from Regular Agenda at 4/12/02 Board Meeting, Staff reports retained original numbering of #26)

**ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR NORTON**

**Move approval of Consent Agenda with Item 7-16 being deferred to the May Board Meeting.**

**Motion passed with Directors Beautz, Krohn and Phares absent.**

**REGULAR AGENDA**

- 8. **DELETED**
- 9. **DELETED**
- 10. **DELETED**
- 11. **DELETED**
- 12. **DELETED**

**ITEM #28 WAS TAKEN OUT OF ORDER.**

- 28. **CONSIDERATION OF RESOLUTIONS OF RECOGNITION TO SEVEN EMPLOYEES FOR ACTIONS TAKEN ABOVE AND BEYOND THE SCOPE OF THEIR DUTIES**

**Summary:**

Bryant Baehr reported that on March 16<sup>th</sup> the Operations Dept. experienced the loss of Virgilio “Gil” Lo. Mr. Lo passed away on the Operations Dept. property and several bus operators and staff were involved in activities surrounding this death. The Board was asked to recognize and approve Resolutions of Appreciation for seven Operations Dept. employees.

**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR KEOGH**

**Adopt Certificates of Appreciation for seven (7) Operations Dept. employees.**

Directors Krohn and Phares arrived.

**Motion passed with a Roll Call vote with Director Beautz being absent.**

Bonnie Morr also thanked Bryant Baehr for his efforts during this difficult time.

**13. CONSIDERATION OF METROBASE FINANCIAL FEASIBILITY AND IMPACT REPORT AND ELIMINATION OF HARVEY WEST SITE NO. 1 AS THE PREFERRED ALTERNATIVE**

**Summary:**

Mr. White asked that the Board review and accept the Financial Feasibility and Impact Report (FFIR) prepared by the consulting firm of CH2M Hill. Mr. White outlined the issues and Board actions to date. The FFIR indicates that the Harvey West No. 1 site has an acquisition and development cost of approximately \$69 million. METRO currently has approximately \$37 million in funds to develop the MetroBase project at this time.

Staff is recommending that the Board accept the FFIR report as complete from CH2M Hill, declare that the Harvey West No. 1 site is financially unfeasible and remove the preferred alternative designation from this location.

Director Beautz arrived.

**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR REILLY**

**Accept the Financial Feasibility and Impact Report (FFIR) for the MetroBase Project as prepared by the CH2M Hill consulting firm and declare the preferred alternative Harvey West 1 site as infeasible due to it being financially unaffordable.**

**Motion passed unanimously.**

**14. CONSIDERATION OF AMENDING THE PREFERRED ALTERNATIVE FOR THE METROBASE PROJECT FROM HARVEY WEST 1 TO HARVEY WEST CLUSTER NO. 1**

**Summary:**

Les White stated that within the scope of the current Environmental Impact Report (EIR) there are a number of alternatives to the preferred site that were explored. Staff recommends that the Board identify Harvey West Cluster 1, which appears to be affordable, as a core facility. This site would have the capacity to support a 98-bus fleet but is inconsistent with the District's goal of 175 buses. It is further recommended that the Board revise and amend the preferred alternative to be Harvey West Cluster 1 (HW 1) and look at necessary steps to expand the core facility to a 175-bus build out by using either adjacent properties or by reactivating the Watsonville site with a new facility to accommodate a 175-bus fleet. A timeline for the HW Cluster 1 alternative was reviewed. Lianne Humble stated that the timeline is extremely tight. Parallel to this timeline would be actions necessary for the enhancement of HW Cluster 1, whether it is the Salz Tannery site or the Watsonville site. Both sites would require substantial community discussion.

**Discussion:**

Director Almquist requested an indication of what the last date would be that the Board could merge the Salz acquisition into the HW Cluster 1 site to be part of the project development. Leianne Humble stated that the proposed timeline would not accommodate an additional EIR; a supplemental or possibly a negative declaration would need to be done. There was further discussion regarding the Salz site, the Section 4F process, and the historic designation. Director Almquist requested a further analysis of the Salz site in regards to the Section 4F process being necessary if the site was prepared for sale and with no federal funds involved. Geoff Eisenberg of Salz Tannery clarified the following points: 1) There are several offers for the property, however, he is holding off due to the interest in the property by the City of Santa Cruz and METRO; 2) Property will be sold “as is”. They have no plans to demolish any of the buildings.

There was further discussion on the fueling and maintenance facilities. A major factor to putting the CNG fueling facility on line is the pipe that is needed from San Lorenzo Lumber. Mr. White stated that staff would try to compress the timeline for the fueling facility. Director Spence asked that the spreadsheet which details the fleet be distributed to each of the Board members.

The employee parking facilities are not a part of the HW Cluster 1 site but would be considered when developing the adjacent parcels. It was pointed out by Celia Scott that if the project is to be phased in order to add to it in the future, all phases need to be defined as a whole and discussed in the EIR. The first phase would need the most intensive analysis in the EIR. The second phase would probably require a supplemental EIR.

Director Almquist asked if the State and Federal funding would be affected if METRO chose a smaller capacity project. Mr. White responded that there might be a problem at the Federal level since the project is described as a “replacement bus facility, consolidated approach”. If METRO utilizes the Watsonville facility, staff would need to address this with the Federal funding source. Director Norton suggested that staff consider acquisition of surrounding properties to the Maintenance facility rather than the Salz Tannery site and, from a cost perspective, would prefer to consider existing buildings instead of new buildings.

Concern was expressed over the lack of responsiveness from WaterLeaf. Director Keogh asked staff to make a recommendation to the Board for design services for the project. Directors Keogh and Norton will submit a Directors’ Report that might help get a complete project.

**ACTION: MOTION: DIRECTOR SPENCE SECOND: DIRECTOR FITZMAURICE**

**Revise the Preferred Alternative for the MetroBase from Harvey West 1 to Harvey West Cluster 1 with all possible enhancements in the NOP/NOI. Report back to the Board in May with a timeline status report to coincide with Board Meetings. Report to the Board on the continuation of services of WaterLeaf. Report back on alternate sites and discussion with Geoff Eisenberg regarding feasibility, constraints and range of options on the Salz Tannery property. Add MetroBase issue as a monthly report item in the Consent Agenda.**



**Motion passed unanimously.**

**ITEMS 15 AND 16 WERE COMBINED FOR THE PURPOSE OF DISCUSSION.**

15. **CONSIDERATION OF OFFERING TWO YEARS ADDITIONAL SERVICE CREDIT FOR ELIGIBLE DISTRICT EMPLOYEES ENROLLED IN PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)**
16. **CONSIDERATION OF REVISING RETIREMENT FORMULA FOR DISTRICT EMPLOYEES ENROLLED IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)**

**Summary:**

Elisabeth Ross reported that both Items 15 and 16 are enhancements to the retirement program and are being proposed as a way of offering early retirement benefits to employee to minimize layoffs on July 1<sup>st</sup>. The two-year additional service credit is a one-time option which would increase the monthly pension of those who chose to take advantage of the early retirement offer. The retirement formula is currently at 2% at 55. The new formula being proposed is 2.5% at 55 and the union is suggesting 2.7% at 55. There would be no cost in the coming year for the 2% or 2.5% at 55 options. However, the 2.7% at 55 would have an impact on the District in the amount of \$250,000 in the first year. Ms. Ross discussed the excess assets with PERS and how they would be utilized and affected by these options. If the two-year service credit issue is adopted by the Board, staff would return in May for the Board to adopt a Resolution of Intent and set the period for employees to apply for retirement. If the formula change is approved by the Board, PERS would be notified today. Staff would return to the Board in June for consideration of adopting a Resolution of Intent, subject to approval by the employees. The earliest this would be implemented would be in July. Representatives from UTU, PSA, VMU and SEA all spoke to the issue of the 2.5% vs. 2.7%. They also stated that until the positions being laid off are identified to all parties, it would be difficult to determine what the savings would be by employees taking early retirement.

**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR PHARES**

**Indicate to PERS that the Board wants to do the 2-year service credit. Direct staff to notify PERS that the Board is interested in the 2.5% or the 2.7% enhancement to the retirement package. Direct staff to negotiate with the unions to accomplish a package with no additional cost to the District in Years 1 and 2 for the 2.7% option.**

**Motion passed unanimously.**

17. **CONSIDERATION OF PROPOSED BALANCING ACTIONS FOR FY 02-03 BUDGET**

**Summary:**

Elisabeth Ross reported that staff would return to the Board in May with a final draft budget. Ms. Ross outlined the three balancing actions that would be taken to counteract the \$3.4 million

budget shortfall. Additional discussion will take place next month regarding money saving techniques. Approval of the budget balancing actions by the Board will allow staff to proceed with the final budget development and to meet with UTU and SEIU to identify the position that will be affected by the layoffs.

Director Almquist requested a report on the issues associated with eliminating the Disabilities Coordinator position.

**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR BEAUTZ**

**Approve in concept the proposed budget balancing actions for FY 02-03 and provide the Board with a report on issues associated with eliminating the Disabilities Coordinator's position.**

**Motion passed with Director Spence abstaining.**

**18. CONSIDERATION OF RESULTS OF THE 2000 CENSUS AND COUNTYCLERK'S NOTIFICATION OF A NEED FOR BOARD OF DIRECTOR REAPPORTIONMENT**

**ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR ALMQUIST**

**Accept the County Clerk's directive to reapportion. Remove a seat from the City of Santa Cruz and add a seat to the City of Watsonville for 2002. Chair will write to both cities advising them of the reapportionment and advise the Board of both appointments by June 10, 2002.**

**Motion passed unanimously.**

**19. MOVED TO CONSENT AGENDA AS ITEM 7-12**

**20. MOVED TO CONSENT AGENDA AS ITEM 7-13**

**21. MOVED TO CONSENT AGENDA AS ITEM 7-14**

**22. MOVED TO CONSENT AGENDA AS ITEM 7-15**

**23. DEFERRED TO MAY 17, 2002 BOARD MEETING**

**24. MOVED TO CONSENT AGENDA AS ITEM 7-16**

**25. MOVED TO CONSENT AGENDA AS ITEM 7-17**

**26. MOVED TO CONSENT AGENDA AS ITEM 7-18**

**27. CONSIDERATION OF RATIFICATION OF LABOR AGREEMENT WITH UNITED TRANSPORTATION UNION (UTU), LOCAL 23**

**Summary:**

Bryant Baehr reported that this is the final step in negotiations between the District and UTU Local 23. The staff report lays out the tentative agreement that was reached.

**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR FITZMAURICE**

**Ratify the tentative agreement between METRO and the United Transportation Union Local 23 for a contract period starting July 1, 2002 through June 30, 2005.**

**Motion passed unanimously**

**29. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION:** District Counsel

Margaret Gallagher stated that the cases of Jade Rich vs. METRO and Lane/Loya vs. METRO would be discussed.

**30. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION**

None

**SECTION II: CLOSED SESSION**

Chairperson Ainsworth adjourned to Closed Session at 11:26 a.m. and reconvened to Open Session at 12:14 p.m.

**SECTION III: RECONVENE TO OPEN SESSION**

**29. REPORT OF CLOSED SESSION**

Margaret Gallagher stated that there was nothing to report at this time.

**ADJOURN**

There being no further business, Chairperson Ainsworth adjourned the meeting at 12:14 p.m.

Respectfully submitted,

DALE CARR  
Administrative Services coordinator